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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,694	08/31/2001	Matthew Gast	042933/251582	2124
826	7590	12/11/2008		
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER TRUVAN, LEYNNA THANH	
			ART UNIT 2435	PAPER NUMBER
			MAIL DATE 12/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/944,694	Applicant(s) GAST, MATTHEW	
	Examiner Leynna T. Truvan	Art Unit 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-11 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 12-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-2 and 4-11 are pending.

Claims 3 and 12-18 are cancelled.

2. In view of the Pre-Brief Appeal Request filed on 8/5/2008, PROSECUTION IS HEREBY REOPENED. A Non-Final Rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Response to Arguments

3. Applicant's arguments, see Pre-Brief Appeal Request filed on 8/5/2008, with respect to claims 1-2 and 4-11 have been fully considered and are persuasive. The Final Rejection of claims 1-2 and 4-11 has been withdrawn.

According to the Pre-Brief Appeal, applicant focuses on that the secondary prior art, Zarom, failed to teach the translation of cleartext to another cleartext of a second cryptographic protocol. Chiu is now relied upon to better clarify what Zarom seem to lack. Thus, Grabelsky is now combined with Chiu to teach translating the first plurality of cleartext data into a second plurality of cleartext data in accordance with at least one translation rule and encrypting the second plurality of cleartext data in accordance with at least one rule associated with a second cryptographic protocol, resulting in a second plurality of encrypted data.

Chiu discloses converting the encryption protocol of the WAP and WTLS into HTTP and SSL/TLS encryption protocol for assisting WML format document (col.1, lines 43-48). This reads on the claimed translation from one form or protocol to a second cryptographic protocol as claimed. Chiu further discloses that since the specifications of the WTLS and TLS are different, the WAP gateway must restore the WTLS encryption text into plain text, and then the plain text is encrypted by TLS (col.1, lines 60-64). This shows that the plain text in one form (WTLS) is the claimed first cleartext that is translated to the second cryptographic protocol (TLS) which obviously is the second cleartext since thereafter TLS encrypts it. Chiu further adds that the data must be restored into plain text in the mobile phone manage and then is encrypted so as to generate a defect in the process. Therefore, the present invention is dedicated to an end to end encryption technology for compensating the insufficiency of current structure and can be used to the transaction of WAP platform (col.1, line 43 – col.2, line 3).

It would have been obvious for a person of ordinary skills in the art at the time of the invention was made to combine the teaching of Grabelsky with Chiu to teach

translating the first plurality of cleartext data into a second plurality of cleartext data in accordance with at least one translation rule and encrypting the second plurality of cleartext data in accordance with at least one rule associated with a second cryptographic protocol, resulting in a second plurality of encrypted data because this provides an end to end encryption technology for compensating the insufficiency of current structure and can be used to the transaction of WAP platform (col.1, line 54 – col.2, line 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, and 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grabelsky, et al. (US 7,032,242) in view of Chiu (US 6,937,731).

As per claim 1:

Grabelsky, et al. discloses a method for providing network security, comprising the steps of:

receiving a plurality of network protocol packets, wherein a network protocol packet includes a network protocol header (**col.20, lines 49-50**) and a plurality of network protocol data, and wherein the network protocol data include a first cryptographic protocol header (**col.21, lines 17-21**) and a first plurality of encrypted data, at least a portion of at least some of

the network protocol packets being configured in accordance with a transport layer protocol or a network layer protocol; **(col.11, lines 55-56)**

determining a first plurality of cryptographic protocol rules associated with the network protocol data; **(col.21, lines 4-13 and col.22, lines 63-55)**

establishing a cryptographic session, if required by said first cryptographic rules; **(col.24, lines 34-40)**

applying the first plurality of cryptographic protocol rules to the first encrypted data to obtain a first plurality of cleartext data; **(col.23, lines 49-62)**

[translating the first plurality of cleartext data into a second plurality of cleartext data in accordance with at least one translation rule; and

encrypting the second plurality of cleartext data in accordance with at least one rule associated with a second cryptographic protocol, resulting in a second plurality of encrypted data.]

However, Grabelsky did not include translating the first plurality of cleartext data into a second plurality of cleartext data in accordance with at least one translation rule and encrypting the second plurality of cleartext data in accordance with at least one rule associated with a second cryptographic protocol, resulting in a second plurality of encrypted data.

Chiu discloses the WAP gateway is interface software installed between the GSM network and the WAN wide area network for converting the encryption protocol of the WAP and WTLS into HTTP and SSL/TLS encryption protocol for assisting WML format document and can be acquired from the current Internet (col.1, lines 43-48). This reads on the claimed translation from one form or protocol to a second cryptographic protocol as claimed. Chiu further discloses

that since the specifications of the WTLS and TLS are different, the WAP gateway must restore the WTLS encryption text into plain text, and then the plain text is encrypted by TLS (col.1, lines 60-64). This shows that the plain text in one form (WTLS) is the claimed first cleartext that is translated to the second cryptographic protocol (TLS) which obviously is the second cleartext since thereafter TLS encrypts it. Chiu further adds that the data must be restored into plain text in the mobile phone manage and then is encrypted so as to generate a defect in the process. Therefore, the present invention is dedicated to an end to end encryption technology for compensating the insufficiency of current structure and can be used to the transaction of WAP platform (col.1, line 43 – col.2, line 3).

It would have been obvious for a person of ordinary skills in the art at the time of the invention was made to combine the teaching of Grabelsky with Chiu to teach translating the first plurality of cleartext data into a second plurality of cleartext data in accordance with at least one translation rule and encrypting the second plurality of cleartext data in accordance with at least one rule associated with a second cryptographic protocol, resulting in a second plurality of encrypted data because this provides an end to end encryption technology for compensating the insufficiency of current structure and can be used to the transaction of WAP platform (col.1, line 54 – col.2, line 3)

As per claim 2:

Grabelsky discloses a system for providing network security, comprising:

an input module for receiving a plurality of network protocol packets (**col.20, lines 49-50**), at least a portion of at least some of the network protocol packets being configured in

accordance with a transport protocol or a network layer protocol; **(col.11, lines 55-56 and col.21, lines 17-21)**

(a translation module for translating a first plurality of data into a second plurality of data)

an output module; and **(col.23, lines 21-22)**

a cryptographic module responsive to the input module and the output module for performing cryptographic operations. **(col.23, lines 21-62)**

However, Grabelsky did not provide a translation module for translating a first plurality of data into a second plurality of data.

However, Grabelsky did not include translating the first plurality of cleartext data into a second plurality of cleartext data in accordance with at least one translation rule and encrypting the second plurality of cleartext data in accordance with at least one rule associated with a second cryptographic protocol, resulting in a second plurality of encrypted data.

Chiu discloses the WAP gateway is interface software installed between the GSM network and the WAN wide area network for converting the encryption protocol of the WAP and WTLS into HTTP and SSL/TLS encryption protocol for assisting WML format document and can be acquired from the current Internet (col.1, lines 43-48). Chiu further discloses that since the specifications of the WTLS and TLS are different, the WAP gateway must restore the WTLS encryption text into plain text, and then the plain text is encrypted by TLS (col.1, lines 60-64). This shows that the plain text in one form (WTLS) is the claimed first plurality of data that is translated to the second cryptographic protocol (TLS) which obviously is the second plurality of data. Chiu discloses the present invention is dedicated to an end to end encryption technology

for compensating the insufficiency of current structure and can be used to the transaction of WAP platform (col.1, line 43 – col.2, line 3).

It would have been obvious for a person of ordinary skills in the art at the time of the invention was made to combine the teaching of Grabelsky with Chiu to teach a translation module for translating a first plurality of data into a second plurality of data because this provides an end to end encryption technology for compensating the insufficiency of current structure and can be used to the transaction of WAP platform (col.1, line 54 – col.2, line 3)

As per claim 4: See Chiu on col.1, lines 45-50 and col.7, lines 5-18; discussing at least one translation rule is predetermined.

As per claim 5: See Chiu on col.8, lines 55-58; discussing at least one translation rule is determined dynamically.

As per claim 6: See Grabelsky on col.7, lines 10-12 and Chiu on col.1, lines 45-50; discussing the first cryptographic protocol is WTLS.

As per claim 7: See Chiu on col.1, lines 45-50; discussing the first plurality of encrypted data is associated with WML.

As per claim 8: See Grabelsky on col.7, lines 10-12 and Chiu on col.1, lines 45-50; discussing second plurality of encrypted data is associated with HTML.

As per claim 9: See Chiu on col.1, lines 45-50 and col.7, lines 5-18; discussing the second cryptographic protocol is SSL over HTTP.

As per claim 10: See Grabelsky on col.22, lines 62-65 and col.23, lines 50-62 and Chiu on col.1, lines 45-50; discussing the first cryptographic protocol and the second cryptographic protocol are identical.

As per claim 11: See Grabelsky on col.22, lines 62-65 and col.23, lines 50-62 and Chiu on col.1, lines 45-65; discussing the first plurality of encrypted data and the second plurality of encrypted data conform to different revisions of a specification for the same cryptographic protocol.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leynna T. Truvan whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. T. T./
Examiner, Art Unit 2435

/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2435